

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *Ble*

THOMPSON *at*

TAYLOR (Clerk and Recorder)

Date.....August 24, 2006

Members Present.....Commissioner Greg Chilcott, Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Sally Fortino and Glenda Wiles

The Board of County Commissioners met with David Ohnstad, Supervisor of the Road and Bridge Department to open bids for the placement of centerline and edge-line paint striping on approximately 35 miles of roadway throughout Ravalli County.

Bids were as follows:

- Promark of Lolo with bid and bond at \$39,179.56
- Arrow Stripe of Billings with bid and bond at \$31,338.55

Commissioner Lund made a motion to have David review the bids and make a recommendation to the Commissioners. Commissioner Thompson seconded the motion, and all voted 'aye'.

The Board met to hear a request for the East End Subdivision. Minutes of that meeting are as follows:

**Ravalli County Board of County Commissioners (BCC)**

**Meeting Minutes for August 24, 2006**

**9:00 a.m.**

**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**1. Call to order**

**Commissioner Chilcott** called the meeting to order at 9:00 AM.

**2. BCC and Staff**

(A) BCC

Greg Chilcott (Present)

Alan Thompson (Present)  
Betty Lund (Present)

(B) Staff

Benjamin Howell

3. **Public Meeting**

(A) **East End Lot 1, AP (Kwapy) Major Subdivision**

(i) Board action on the Subdivision Proposal

(a) Board Decision

Commissioner Lund made a motion to **approve** the East End Lot 1, AP Major Subdivision based on the findings of fact and conclusions of law in the staff report as amended, and subject to the conditions in the staff report with the following amendments and addition:

1. Condition 8 shall state that the applicant shall place an encumbrance of \$250 per lot, for Lots 1 through 3, 5 and 6 to the Stevensville School District due upon the first conveyance of each lot, including lease or rent, on the final plat.
2. Condition 9 shall state that prior to final plat approval, the applicant shall install a water supply consistent with the Uniform Fire Code, subject to the review and approval of the Stevensville Fire District, or contribute \$500 per lot for Lots 1 through 3, 5 and 6 to the Stevensville Fire District and provide evidence of that contribution with the final plat application.
3. Condition 12 shall state that the applicant shall provide evidence of the filed road and utility easements through the adjoining properties for the proposed internal road prior to final plat approval.

Commissioner Thompson seconded the motion and the Commissioners voted 3-0 to **approve** the motion.

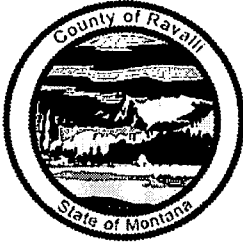
In other business the Board hosted a MACo District meeting during the morning and afternoon hours.

The Board also met for a public hearing on the Old Corvallis Road Neighborhood Plan with discussion and possible adoption. Present was Professor John Horwich who is the contractor on the Neighborhood Plan. Also present was Deputy Counsel James

McCubbin, County Attorney George Corn, Planning Director Karen Hughes and Planning Staff John Lavey. Numerous citizens were present for this hearing.

Commissioner Chilcott called the meeting to order by reading the legal notice.

Karen presented a staff report as follows:



## REQUEST FOR COMMISSION ACTION

OG-06-08-972

Meeting Date: August 24, 2006

Request: To consider a Resolution to Amend the Ravalli County Growth Policy

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### I. ACTION REQUESTED

Conduct a public hearing and consider a Resolution to Adopt the Old Corvallis Road Area 3 Neighborhood Plan as an amendment to the Ravalli County Growth Policy.

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### II. BACKGROUND

The City of Hamilton and Ravalli County entered into an interlocal agreement and retained John Horwich, Community Concepts, to prepare a draft Old Corvallis Road Area 3 Neighborhood Plan for amendment to the Ravalli County Growth Policy. The purpose of the planning effort was to plan for future growth in Service Area 3 of the Hamilton Water/Sewer system and the plan was to be prepared in such a way that both the City and County could adopt it, but neither was obligated to do so.

The scope of work for the plan was adopted by reference and attached as an exhibit to the Inter-Local Agreement between the City of Hamilton and Ravalli County. It states that the land use plan/assessment "will address issues of the use of land (e.g., identifying areas appropriate for commercial and residential use), density of development, infrastructure needs, and important public values such as environmentally sensitive areas and important viewsheds." The scope

of services included a series of meetings with County and City departments/boards/governing bodies, meetings with property owners within and near the neighborhood planning area, meetings with other interested groups, preparation of a plan outline, preparation of draft plans for comment and revision, preparation of the final plan and presentation of the plan at meetings necessary for public review of the final document. The scope of work also anticipated implementation of the plan through zoning.

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### **III. PLANNING BOARD RECOMMENDATION**

The City and County conducted a joint public hearing on the Old Corvallis Road Area 3 Neighborhood Plan on March 8, 2006. After receiving public comment on the Neighborhood Plan, the Ravalli County Planning Board continued their portion of the public hearing to March 15, 2006, at which time they accepted additional public comment. After consideration of comments received and discussion on the plan, the Planning Board made a motion to recommend the Board of County Commissioners adopt the Neighborhood Plan as an amendment to the Ravalli County Growth Policy, which passed with a vote of 5-3.

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### **III. RECOMMENDED MOTION**

That the Resolution to Adopt the Old Corvallis Road Area 3 Neighborhood Plan as an amendment to the Ravalli County Growth Policy be approved.

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**FISCAL IMPACT:** No extraordinary fiscal impacts are noted for adoption of the Neighborhood Plan; however, implementation of the Neighborhood Plan through zoning and revision of subdivision regulations will require allocation of additional financial resources to this project.

**ATTACHMENTS:** Old Corvallis Road Area 3 Neighborhood Plan (previously received)  
Draft Resolution to Adopt Old Corvallis Road Area 3 Neighborhood Plan  
Planning Board Minutes from March 8<sup>th</sup> and 15<sup>th</sup>  
Interlocal Agreement between Ravalli County and the City of Hamilton

**STAFF:** Karen Hughes & John Lavey

**DATE:** August 24, 2006

John Horwich presented a power point presentation explaining the nature of a neighborhood plan, how it is adopted as an amendment to the Growth Policy, what has happened to date on this area plan, general goals, policies and implementation strategies, the community character goals, environmental and cultural resource goals, economic development goals, housing goals, public facilities and services goals and transportation goal.

Public comment was then taken:

Stewart Brandborg represented Bitterrooters for Planning. After nine years of personal time invested in the planning process, he does not feel the citizens have had the ability to review this plan. In the absence of a city planner and a city process for public input, they are bypassing the stakeholders (which are the taxpayers). Stewart stated this plan represents a commitment by the City of Hamilton in regard to services such as sewer. He feels the citizens, who will provide the tax base for the infrastructure, need to be involved and a city planner needs to weigh in on this plan in a deliberative manner. He stated they have a question on the amendment to the Growth Policy, as it does not follow the Montana Code.

Curtis Cook, another member of the Bitterrooters for Planning and an attorney, stated this is a two-fold issue for the actual plan and the amendment. He feels these should be handled differently, as they both require different procedures. The Planning Board minutes of March 15<sup>th</sup> show the voting at five to three members for approval of this plan. They did not vote to amend the Growth Policy. The notice to the paper showed it was a joint meeting with the Hamilton City and Ravalli County Planning Board in order to receive public comment on the Area 3 plan addressing the amendments to the City and County Growth Policy. He reviewed the state statute in regard to the notice of amending the Growth Policy and how the Planning Board must support the adoption by a resolution; then refer it for formal adoption to the Commissioners. In regard to the City Council, Bob Sutherland addressed the fact that a resolution was needed. Curtis felt there was a deficiency by the Planning Board by not passing a resolution. Curtis also reviewed the Growth Policy and read the provisions for amending the policy. He stated there must be a 'finding of fact' prior to any action by the Commissioners through the public hearing process, and a Resolution of Intent and a Resolution to amend must be passed. The party requesting the amendments must show the change to be an improvement. Curtis stated the Commissioners can not amend the Growth Policy today because they are deficient in the procedures to do so. However, he felt they could approve of the neighborhood plan. Bob Scott, a resident of Hamilton and a City of Hamilton Council Member stated the reason the City Council did not approve of the plan was because there is a failure of the public process. They thought the 4,000 stakeholders would be asked what they thought and expected them to see an alternative to this plan. But none of that ever happened. Some things that could have been brought forward would have been the issues of open space. He stated not all of the space designated is 'for sure' open space and the city can not handle the infrastructure needs of 840 homes. The city plans to move forward by

hiring a planner who will be reviewing this. He stated they do not have capacity in the sewer treatment plant and any grants received go to the developers. Thus, the citizen's rates will go up. In the transportation plan, the Old Corvallis Road development is a 3 million dollar project and the citizens of Hamilton do not want to pay for that. Bob also stated there is some wildlife, such as fox, deer etc., and the lake has significant wildfowl, plus they have no way to review the traffic impacts. As a council member he does not care what the county does, but if the county adopts this plan they will create further conflicts with the city.

Chris Likenholder felt the process worked well. He asked about the unique resources of the area, feeling that the citizens have an interest in the recreation needs and the Commissioners should consider allocating money for the open space. The impact fees are so low, that we are using federal and county taxes to supplement the developers. Therefore, why not purchase those resources for the citizens of Hamilton. He felt this process is slanted to economic development. Three houses per acre are bad. The density issue needs to be re-addressed. The citizens do not want to look out their window and see someone in a house next door. What is the plan of prime agricultural land? He stated there needs to be more reassessment of the resources in order to make a more educated decision. Chris stated the Montana Realtors Association has tremendous pressure to develop this valley. 9.1 million people are expected to move to the western states within the next 10 years. How many people are coming to the Bitterroot? This valley will be turned into an extension of Missoula and this plan allows that to happen.

Phil Taylor felt the County Attorney should take those 9.1 million people and let them build houses on the street where he lives. Commissioner Chilcott asked Phil not to be argumentative. Phil stated he is simply asking the County Attorney to see if the Commissioners have the authority today to amend the Growth Policy. George stated he needs to review Curtis's comments.

Sharon Schroeder, President of Daly Mansion Trust spoke in support of this plan. She stated Professor Horwich met with her group and numerous other citizens. Their Daly Mansion Trust supports this plan. On a personal note, she felt it is a perfect place to construct housing with certain density because it is so close to the infrastructure.

DeAnn Harbough of the City Council states she is one of the members who voted the plan down. Some parts of the plan are superb, other parts are not. She is a new member to the City Council and has felt a great deal of pressure from the developers. Her job is a representative of the citizens, and not just to the developers. One of the major points of the plan is the 2.9 units per acre contingent upon hooking up to the city infrastructure. There is not capacity to hook up to the city sewer. 840 housing units would mean over 2,000 vehicles would be added to the transportation system. The streets and highways are not planned or updated. Those vehicles will be pumping fossil fuels into our air and this is creating global warming. She stated they need to look at the air quality and thus she questions the timing of this plan. It needs more work and input. She does not want to amend the Growth Policy at this time.

LaRue Moorhouse of Victor stated the City was right to wait until they get a planner on board. She is concerned about the words, "wish, we encourage, hope" etc. that are in the document. She stated developers won't do what 'we wish for'. There are too many ambiguities involved in this proposal. She stated it feels like a giant subdivision, not a neighborhood plan. She stated she is concerned with Professor Horwich's comment about hoping the different developers will come together so each part of the area will not be disjointed.

Kathleen Driscoll lives in the city and was raised in Hamilton. The point of pressure seems to be the time for the developer's submittal. She feels it is important for the developer to work with the city planner and county planner and if decisions are made too quickly, the area may suffer in the long run. When she comes to county meetings she sees anger towards the city and vice versa from city to county.

Public comment was then closed. Board deliberation took place.

Commissioner Lund asked if the procedure is faulty; should they step back? George stated he needs to review this letter from Curtis. He appreciates Curtis comments. In regard to the comments, George made some personal observations noting this is private property and development can occur without any zoning requirements or anyone's input. This is not public property and it will be developed. The question is how will it be done? He feels this is an excellent plan and people should not hold this Neighborhood Plan hostage to a perfect plan that has not been developed. Development is going to continue irrespective of what the Commissioners do. The question is how it will happen.

George stated he will review this for procedural issues. But his advice to the Planning Board and to the Commissioners will be to adopt this Neighborhood Plan.

Commissioner Thompson stated this property is close to the infrastructure. Many do not want development out in the country, so this is a perfect place for development. He stated it seems the Commissioners can not do anything right. He stated the Commissioners have been looking at economics and jobs and have reviewed Corixa, (GSK) for grants, and the lift station that needs to go in and to be paid for by the county. He stated the Commissioners could step away from this and let it develop how ever it develops, or they could help define the growth by having open space, trails, etc.

Commissioner Lund stated this is an amendment to the Growth Policy. What comes next is the zoning, and the public involvement should be huge at that time. She reminded the audience the developer can do whatever he wants and if the citizens want something good to be done, they need to step forward.

Commissioner Chilcott stated this is the most frustrating process he has been involved with. He stated the Commissioners stepped up to the plate by helping to build economic opportunities for the citizens, even though Hamilton benefits. The Commissioners intend to move forward with a senior housing development and now they are told by the City to install the lift station at an estimated half million dollars. The Commissioners looked to

the Economic Development Authority and senior services in order to make this feasible through a rebate program. Commissioner Chilcott stated the city brought up capacity issues but the Commissioners continued because this is a worthwhile project. The Commissioners then entered into an Interlocal Agreement with Hamilton for the lift station. The county fulfilled every element of this agreement. The Commissioners moved forward with a contract with Professor Horwich, and Professor Horwich has fulfilled everything that was required of him. The Commissioners asked for participation all along the way. Now citizens show up and say they were not involved. He stated it appears the Bitterrooters for Planning do not want the project. They say they want planning; now they say they want more. The Commissioners hear people who want no development in the rural areas by making the development closer to town. Then at the last minute the city backs out of this Neighborhood Plan. The Commissioners have paid monies from the county budget in order to move forward in this process. Commissioner Chilcott stated he is frustrated and angry. He stated if they did not follow the process, they can correct that error if needed. He stated there is no such thing as a perfect plan, and we need to move forward.

George stated his office will give the Commissioners a straight path in what needs to be done at this point.

Commissioner Lund asked if they could continue this public hearing or would another legal notice need to be run. George stated he wants to review this information from Curtis prior to making any determination. He suggested the Commissioners continue this meeting and run another legal notice.

Commissioner Chilcott thanked Professor Horwich for 'hanging in there' through out this process. Commissioner Lund made a motion to continue this meeting until September 18<sup>th</sup> at 2:00 p.m. Commissioner Thompson seconded the motion and all voted "aye".

Stewart Brandborg stated they support the plan; they just want a city planner on board.